

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

LINDSEY A. WHITE,

Plaintiff,

v.

MARQUIS COMPANIES I, INC.,

Defendant.

Case No. 3:18-cv-00613-YY

ORDER

Loren W. Collins, Loren Collins P.C., 780 Commercial St., SE, Ste. 202, Salem, Oregon 97301.
Attorney for Plaintiff.

Carolyn D. Walker and Alisha L. Kormondy, Stoel Rivers LLP, 760 SW Ninth Avenue, Suite 3000, Portland, Oregon 97205. Attorneys for Defendant.

IMMERGUT, District Judge.

Plaintiff Lindsey A. White brings this action against her former employer, Defendant Marquis Companies I, Inc. She asserts six claims for relief based on state and federal law: pregnancy discrimination under 42 U.S.C. § 2000e (Title VII of the 1964 Civil Rights Act (“Title VII”)) (claim one) and ORS 659A.030 (claim two); interference and retaliation under 29 U.S.C. § 2601 (the Family and Medical Leave Act (“FMLA”)) (claim three) and ORS 659A.183 (the Oregon Family Leave Act (“OFLA”)) (claim four); and discrimination for a perceived disability

under 42 U.S.C. § 12181 (the Americans with Disabilities Act (“ADA”)) (claim five) and ORS 659A.112 (claim six).

Defendant filed a Motion for Summary Judgment on all Plaintiff’s claims, ECF 20. Magistrate Judge Youlee Yim You issued Findings and Recommendations (F&R), ECF 39, which recommended that Defendant’s Motion for Summary Judgment on all claims be granted and this case dismissed with prejudice. Plaintiff filed timely objections to the F&R, ECF 45, and Defendant filed a Response to those Objections, ECF 46. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

Plaintiff made a number of objections to Judge You’s recommendation to grant summary judgment as to all of Plaintiff’s claims. This Court has carefully considered Plaintiff’s objections and concludes that the objections do not provide a basis to modify the F&R. This Court also reviewed all relevant parts of the record de novo and found no errors in Judge You’s reasoning.

CONCLUSION

Finding no reason to modify the F&R, the Court ADOPTS Magistrate Judge You's F&R, ECF 39, in full. Accordingly, Defendant's Motion for Summary Judgment, ECF 20, is GRANTED and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 7th day of October, 2020.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge